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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *28 August 2008*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-12* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-12* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.   Claims 1-12 are pending in this application. Claims 1, 2, 7 and 12 have been amended as filed on 28 August 2008.

Claim Objections

2.   Claim 1 is objected to because of the following informalities:

-the claim recites: "developing a know invalid email address at the unique server address" (Claim 1, e.). This limitation appears to contain a typo. For the purposes of examination this will be treated as "developing a known invalid email address at the unique server address".

-the claim also recites: "the valid email address" (Claim 1, k.). This phrase lacks proper antecedent basis.

Appropriate correction is required.

Claim Rejections - 35 USC § 101

3.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4.   Claims 2-3, 7-8 and 12 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

5.   With respect to Claims 2-3, 7-8 and 12, they are drawn to a system that can

reasonably be implemented as software routines, and as such is software per se. As

demonstrated in the instant specification: "Figure 1 shows an arrangement of the EAI

system using six server software modules to implement the five functions of the

invention" ([0032]) and "The EAI system… has been designed to flexibly allow use of

many operating systems, combinations of servers and databases and deployment

configurations to host the system, and email systems, and can be written in many

computing languages such as Java, C++, or others. Even though the preferred

embodiment shows the use of six server software modules it could be combined into a

single program" ([0069], lines 1-9). The claims lack the necessary physical objects or

articles to constitute a machine or manufacture under the meaning of 35 USC 101.

They are not a series of steps or acts to be a process, nor are they a combination of

chemical compounds to be a composition of matter. They represent software and as

such fail to fall within a statutory category of invention.

Claim Rejections - 35 USC § 103

6.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

7.   Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Quine, in view of Collins et al. (US 2002/0013817), hereinafter Collins, "Setting up Catch All Email" (Setting up Catch All Email, October 5, 2002), and further in view of Sherwood (Finding Someone's Email Address, 23 May 2001).

8.   With respect to Claim 1, Quine disclosed: "A computerized method for determining a desired recipient's email address (Abstract, lines 1-3) comprising:",

"c. providing two or more first target recipient's data items ([0071], lines 7-10);

d. guessing a plurality ([0046], lines 1-11, where the address format compliance checker may provide several different outputs, specifically a suggested format for the email address, or specific changes may be suggested, or provide suggested alternative spellings) of first target recipient's candidate email addresses from the unique email server address and data items ([0071], lines 10-19)",

"g. monitoring a response of a target recipient email server for the unique server address to determine if a bounce to the sending of the probe email occurs ([0007], lines 15-21)", and

"i. sending an email to the first target recipient's first guessed email address ([0074], lines 8-9);

j. monitoring the response of the target recipient email server to determine if a bounce occurs ([0007], lines 15-21);

k. recording the valid email address if no bounce occurs ([0007], lines 15-21, which

describes an unsuccessful attempt results in a bounce, a successful attempt will not

result in a bounce);

m. repeating i, j, and l using the plurality of first targets recipient's guessed email

addresses in succession until j occurs ([0007], lines 15-21, where the email address

server is always monitoring for bounce messages) or there are no other first recipient's

guessed email addresses;

n. guessing a plurality of second target recipient's candidate email addresses ([0048],

lines 3-6, where the software and data may be resident on a user's personal computer,

and invoked for any outgoing message. It is conceivable that an outgoing message

may be addressed to multiple people, and thus the correction software would be

implemented for a second target recipients email address);

o. repeating i, j, k, l, and m and l using the plurality of second target recipient's guessed

email addresses ([0048], lines 3-6, where the software and data may be resident on a

user's personal computer, and invoked for any outgoing message. It is conceivable that

an outgoing message may be addressed to multiple people, and the software will

operate on each identified email address)".

Quine did not explicitly state: "a. choosing one or more target recipients;

b. providing a unique email server address for each target recipient",

"e. developing a know invalid email address at the unique email server address;

f. sending a probe email addressed to the known invalid email address",

"h. recording that the email address cannot be found if no bounce occurs", or

"l. sending a second email to the target recipient's second guessed email address if a

bounce occurs".

However, Collins disclosed: "a. choosing one or more target recipients (Abstract,

lines 1-2);

b. providing a unique email server address for each target recipient ([0003], lines 1-5,

and Figure 6, where the recipient list shows HEllis@jzgtr.net and

Bkessel@sixstring.com, clearly indicating separate email server addresses)".

It would have been obvious to one of ordinary skill in the art at the time of the

invention to modify the email delivery system of Quine with the teachings of Collins to

include support for sending an email to multiple recipients having different email

addresses. Motivation to combine these references comes from Collins where "Known

e-mail programs permit a sender to transmit a message to multiple parties with only a

single action" ([0008], lines 1-2). Therefore by combining the references, one can send

a message to a plurality of parties with only a single action.

The combination of Quine and Collins does not explicitly state: "e. developing a

know invalid email address at the unique email server address;

f. sending a probe email addressed to the known invalid email address;

h. recording that the email address cannot be found if no bounce occurs", or "l. sending

a second email to the target recipient's second guessed email address if a bounce

occurs".

However, "Setting up Catch All Email" disclosed: "e. developing a know invalid email address at the unique email server address (pg 2, "Disabling your Catch All Feature", lines 1-4, where a known invalid email address is developed using illegal syntax);

f. sending a probe email addressed to the known invalid email address (pg 3, "So what actually happened here?", lines 1-5, where the email intended for anything@yourdomain.com is sent to ******>>>@yourdomain.com, a known invalid address);

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the email delivery system of Quine in view of Collins with the teachings of "Setting up Catch All Email" to include support for developing a known invalid email address and sending a probe email to the invalid address. Motivation to combine these references comes from Setting up Catch All Email where: "The catch all is excellent if you have a high frequency of people whom mistype your email address, as these addresses (even though mistyped), will simply be bounced to your catch all or default email account" (pg 1, lines 5-6). Therefore by combining the references one can ensure delivery of emails even if people frequently mistype an email address.

The combination of Quine, Collins and "Setting up Catch All Email" did not explicitly state: "h. recording that the email address cannot be found if no bounce occurs" or "I. sending a second email to the target recipient's second guessed email address if a bounce occurs".

However, Sherwood disclosed: "h. recording that the email address cannot be found if no bounce to the sending of the probe email occurs (pg 4, Guessing Strategies, lines 1-4, where the email is sent to the wrong person who may or may not answer, but no bounce occurs)" and "I. sending a second email to the target recipient's second guessed email address if a bounce occurs (pg 5, lines 11-17, where after receiving a bounce message another guess is tried)"

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the email delivery system of Quine, Collins and "Setting up Catch All Email" with Sherwood to include support for recording an email address cannot be found if no bounce occurs and sending a second email to a second guessed email address. Motivation to combine these comes from Sherwood, where: "For example, if Aunt Mabel works for (the imaginary) Floss Research Incorporated, try

mabel.garcia@flossresearch.com

This isn't likely to be her 'true' email address" (pg 5, lines 6-10). Sherwood indicates that the first guessed email is unlikely to be the recipient's true email. Therefore by combining the references one can test multiple guessed email addresses in the likely event that the first guessed email is incorrect.

9.   Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Quine et al. (US 2002/0087647), in view of Sherwood.

10.   With respect to Claim 12, Quine disclosed: "A system for determining an email address (Abstract, lines 1-3) comprising:

a. means for obtaining a target recipient's data items ([0053], lines 8-12);

b. means for obtaining the target recipient's email server address ([0007], lines 8-12);

c. means for guessing a multiplicity of the target recipient's possible email addresses ([0046], lines 1-11, where the address format compliance checker may provide several different outputs, specifically a suggested format for the email address, or specific changes may be suggested, or provide suggested alternative spellings);

d. means for testing the target recipient's possible email addresses until a valid address is found ([0047], lines 7-10, where messages may have been previously found to be undeliverable. By having a message returned as undeliverable, the sending of the message is a test is performed to indicate if the email address is valid)".

Quine did not explicitly state: "means for testing the multiplicity of target recipient's possible email addresses".

However, Sherwood disclosed: "means for testing the multiplicity of target recipient's possible email addresses (pg 5, lines 1-5, where test emails are sent to firstname.lastname@domainname and firstname_lastname@domainname)".

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the email delivery system of Quine with the teachings of Sherwood to include support for testing multiple possible target email addresses. Motivation to combine these comes from Sherwood, where: "For example, if Aunt Mabel works for (the imaginary) Floss Research Incorporated, try mabel.garcia@flossresearch.com

This isn't likely to be her 'true' email address" (pg 5, lines 6-10). Sherwood indicates

that the first guessed email is unlikely to be the recipient's true email. Therefore by

combining the references one can test multiple guessed email addresses in the likely

event that the first guessed email is incorrect.

11.   Claims 2-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Quine in view of Sherwood and further in view of Jain et al. (US 7,203,706).

12.   With respect to Claim 2, Quine disclosed: "A system to send email to target

recipients (Abstract, lines 1-2) with known email server addresses ([0007], lines 3-12,

where the sender knows the recipient works at Pitney Bowes and hence has an email

server address of @pb.com) and with unknown email addresses ([0007], lines 10-12,

where the sender guesses an incorrect address) comprising:

a. a user interface ([0053], lines 8-12, where the routine sending an inquiry to the

sender may "be resident on a user's personal computer" [0048], lines 3-4, and software

on a computer which sends inquiries to users must have a user interface to function)

operative to receive the desired target recipient's data items ([0053], lines 8-12, where

the routine seeks further information about recipient), and to provide either the valid

email address ([0057], lines 1-4) or a message that the email address could not be

found to the user ([0075], lines 7-10);

b. a target recipient's email server ([0007], lines 17-21, where the recipient's email

server is the Pitney Bowes email server) operative with a known email server address

([0007], lines 3-12, where the sender knows the recipient works at Pitney Bowes and hence has an email server address of @pb.com) and providing a bounce message in response to an failed attempt to deliver an email with an incorrect address ([0007], lines 15-21, where the Pitney Bowes email server sends a message informing the original sender of the email, that the original message is undeliverable);

c. an email address identifier send server ([0048], lines 6-9) connected to an email server networked with the target recipient's email server ([0048], lines 6-9, where it is inherent to function that the email server is networked with the recipient's email server) operative to guess a multiplicity of a target recipient's possible email addresses at the known domain name ([0046], lines 1-11, where the address format compliance checker may provide several different outputs, specifically a suggested format for the email address, or specific changes may be suggested, or provide suggested alternative spellings), based on the target recipient's data items ([0053], lines 5-10, where the system sends and inquiry to the user for the recipients name, and uses the name to format the email address)",

"d. an email address identifier read server ([0048], lines 6-9) connected to an email server networked with the target recipient's email server ([0048], lines 6-9, where it is inherent to function that the email server is networked with the recipient's email server) and operative to guess from the target recipient's data items a multiplicity of a target recipient's possible email addresses at the known domain name ([0046], lines 1-11, where the address format compliance checker may provide several different outputs, specifically a suggested format for the email address, or specific changes may be

suggested, or provide suggested alternative spellings), to determine if a particular

guessed email address has been sent an email by the email address identifier send

server ([0047], lines 7-10, where a previous message may have been found

undeliverable, indicating the email address used in the sent undeliverable message was

incorrect), to identify a valid email address if no bounce message is received from the

target recipient's email server ([0007], lines 15-21, which describes an unsuccessful

attempt results in a bounce, a successful attempt will not result in a bounce), recognize

a bounce message from the target recipient's email server ([0064, lines 12-22])"

Quine did not explicitly state: "to send email to the guessed email addresses

sequentially as requested, and to determine if all guessed email addresses have been

sent an email", "to request the email address identifier send server send the next

guessed email address an email upon receipt of a bounce message, or identify the

email address could not be found if all guessed email address have been sent an email

by the email address identifier send server", or "a database server operative to maintain

a record of results of the send server and read server operation".

However, Sherwood disclosed: "to send email to the guessed email addresses

sequentially as requested (pg 5, lines 1-5), and to determine if all guessed email

addresses have been sent an email (pg 5, line 1 – pg 6, line 12, where all guessed

email addresses have been sent an email)", "to request the email address identifier

send server send the next guessed email address an email upon receipt of a bounce

message (pg 5, lines 11-17, where after receiving a bounce message another guess is

tried), or identify the email address could not be found if all guessed email address have been sent an email by the email address identifier send server (pg 5, line 1 – pg 6, line 12, where after all guesses are unsuccessful the email address cannot be found)"

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the email delivery system of Quine with the teachings of Sherwood to include support for testing multiple possible target email addresses. Motivation to combine these comes from Sherwood, where: "For example, if Aunt Mabel works for (the imaginary) Floss Research Incorporated, try mabel.garcia@flossresearch.com This isn't likely to be her 'true' email address" (pg 5, lines 6-10). Sherwood indicates that the first guessed email is unlikely to be the recipient's true email. Therefore by combining the references one can test multiple guessed email addresses in the likely event that the first guessed email is incorrect.

The combination of Quine and Sherwood did not explicitly state: "a database server operative to maintain a record of results of the send server and read server operation".

However, Jain disclosed: "a database server (Col. 1, line 66) operative to maintain a record of results of the send server and read server operation (Col. 1, lines 66-67)".

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the email address checking system of Quine with the teachings of Jain to include support for a database server that stores the results. Motivation to

combine these references comes from being able to save processing time in future

email address correcting routines in email messages sent to the same address that has

already been checked and corrected, by storing the results in a database server the

name or email can be searched for in the database. If the name or email is found in the

database, the correction routine need not process syntax checking or generate email

address alternatives, thus saving processing time. Therefore by combining the

references, one can save processing time of checking and correcting email addresses.

13.   With respect to Claim 7, Quine disclosed: "A system to send email to target

recipients (Abstract, lines 1-2) with unknown email addresses ([0007], lines 10-12,

where the sender guesses an incorrect address) and known data items ([0007], lines 3-

6, known items including a recipients name and where the recipient works) and email

server address ([0007], lines 3-12, where the sender knows the recipient works at

Pitney Bowes and hence has an email server address of @pb.com) comprising:

a. a database server ([0039], lines 2-6);

b. an email server ([0048], lines 6-9);

c. a target recipient email server ([0007], lines 17-21, where the recipient's email server

is the Pitney Bowes email server) with a known address ([0007], lines 3-12, where the

sender knows the recipient works at Pitney Bowes and hence has an email server

address of @pb.com) and programmed to provide a bounce message in response to a

request to deliver an email with an incorrect address ([0007], lines 17-21, where the

Pitney Bowes email server sends a message informing the original sender of the email, that the original message is undeliverable);

d. an email address identifier send server ([0048], lines 6-9) programmed to: receive a target recipient data items ([0071], lines 7-10) and a target recipient email server address ([0007], lines 3-12, where the sender knows the recipient works at Pitney Bowes and hence has an email server address of @pb.com), guess a multiplicity of possible email addresses from the target recipient data items and target recipient email server ([0046], lines 1-11, where the address format compliance checker may provide several different outputs, specifically a suggested format for the email address, or specific changes may be suggested, or provide suggested alternative spellings)",

"e. an email address identifier read server ([0048], lines 6-9) programmed to: receive a target recipient data items ([0071], lines 7-10) and a target recipient email server address ([0007], lines 3-12, where the sender knows the recipient works at Pitney Bowes and hence has an email server address of @pb.com), guess a multiplicity of possible email addresses from the first and last name ([0086], lines 1-9, where email addresses are guessed using formatting rules and the first and last name of the recipient) and domain name ([0046], lines 1-11, where the address format compliance checker may provide several different outputs, specifically a suggested format for the email address, or specific changes may be suggested, or provide suggested alternative spellings), determine if a particular guessed email address has been sent an email by the email address identifier send server ([0047], lines 7-10, where a previous message may have been found undeliverable, indicating the email address has been sent an

email), identify a valid email address if no bounce message is received from the target

recipient email server ([0007], lines 15-21, which describes an unsuccessful attempt

results in a bounce, a successful attempt will not result in a bounce), recognize a

bounce message from the target recipient's email server ([0064, lines 12-22])",

"identify the email address could not be found on the database server ([0075], lines 1-

4)",

"f. a user interface ([0053], lines 8-12, where the routine sending an inquiry to the

sender may "be resident on a user's personal computer" [0048], lines 3-4, and software

on a computer which sends inquiries to users must have a user interface to function)

programmed to provide the target recipient's data items ([0053], lines 8-12, where the

routine seeks further information about recipient) and target recipient email server

address ([0007], lines 3-12, where the sender knows the recipient works at Pitney

Bowes and hence has an email server address of @pb.com) to the email address

identifier send and receive servers ([0053], lines 8-14), and to receive either the valid

email address ([0057], lines 1-4), or a message that the email address could not be

found ([0075], lines 7-10)".

Quine did not explicitly state: "send email through the email server to the

guessed email addresses sequentially as requested", "record email sent on the

database server", or "request the email address identifier send server send the next

guessed email address an email upon receipt of a bounce message, identify the email

address could not be found if all guessed email address have been sent an email by the email address identifier send server".

However, Sherwood disclosed: "send email through the email server to the guessed email addresses sequentially as requested (pg 5, lines 1-5)", and "request the email address identifier send server send the next guessed email address an email upon receipt of a bounce message (pg 5, lines 11-17, where after receiving a bounce message another guess is tried), identify the email address could not be found if all guessed email address have been sent an email by the email address identifier send server (pg 5, line 1 – pg 6, line 12, where after all guesses are unsuccessful the email address cannot be found)".

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the email delivery system of Quine with the teachings of Sherwood to include support for testing multiple possible target email addresses. Motivation to combine these comes from Sherwood, where: "For example, if Aunt Mabel works for (the imaginary) Floss Research Incorporated, try mabel.garcia@flossresearch.com This isn't likely to be her 'true' email address" (pg 5, lines 6-10). Sherwood indicates that the first guessed email is unlikely to be the recipient's true email. Therefore by combining the references one can test multiple guessed email addresses in the likely event that the first guessed email is incorrect.

The combination of Quine and Sherwood did not explicitly state: "record email sent on the database server".

However, Jain disclosed: "record email sent on the database server (Col. 1, lines 66-67)".

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the email address checking system of Quine with the teachings of Jain to include support for a database server that stores the results. Motivation to combine these references comes from being able to save processing time in future email address correcting routines in email messages sent to the same address that has already been checked and corrected, by storing the results in a database server the name or email can be searched for in the database. If the name or email is found in the database, the correction routine need not process syntax checking or generate email address alternatives, thus saving processing time. Therefore by combining the references, one can save processing time of checking and correcting email addresses.

14.   With respect to Claims 3 and 8, the combination of Quine, Sherwood and Jain disclosed: "further comprising the user interface is an Internet wide world web server with computer-executable instructions for email address identification (Quine, [0048], lines 7-10)".

15.   With respect to Claims 4 and 9, the combination of Quine, Sherwood and Jain disclosed: "further comprising the user interface is a computer with computer-executable instructions for email address identification (Quine, [0048], lines 3-4)".

16.   With respect to Claims 5 and 10, the combination of Quine, Sherwood and Jain

disclosed: "further comprising the user interface is a computer (Quine, [0048], lines 3-4)

with computer-executable instructions for email address identification (Quine, [0048],

lines 1-4, the correction routine may be performed on a computer) and with computer-

executable instructions for maintaining an address book (Quine, [0082], lines 1-7)".

17.   With respect to Claims 6 and 11, the combination of Quine, Sherwood and Jain

disclosed: "further comprising the database server is a computer with computer-

executable instructions (Jain, Col. 1, lines 66-67) for a database identifying potential

(Quine, [0065], pg 7, lines 4-6, where the system holds a copy of the email in the event

the intended recipient becomes known by the system in the future, indicating a potential

customer may be recognized by the system in the future) and actual customers or

clients (Quine, [0082], lines 1-9, where actual customers submit address book

information)".

Response to Arguments

18.   Applicant's arguments, see pg 7, lines 3-5, filed 28 August 2008, with respect to

Objection of claims 1, 2, 7 and 12 have been fully considered and are persuasive. The

Objection of claims 1, 2, 7 and 12 has been withdrawn.

19.   Applicant's arguments, see pg 7, lines 6-8, filed 28 August 2008, with respect to the 35 USC 112 second paragraph rejection of claim 1 have been fully considered and are persuasive. The 35 USC 112 rejection of claim 1 has been withdrawn.

20.   Applicant's arguments with respect to claim 12 have been considered but are moot in view of the new ground(s) of rejection.

21.   Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection.

22.   Applicant's arguments with respect to claims 2-11 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MATTHEW S. LINDSEY whose telephone number is (571)270-3811. The examiner can normally be reached on Mon-Thurs 7-5, Fridays 7-12.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (571) 272-3964. The fax phone

number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MSL
12/17/2008

/John Follansbee/

Supervisory Patent Examiner, Art Unit 2451